IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.1478-M of 2006
DATE OF DECISION:30.1.2007

K.R. Appukuttan Pillai .....Petitioner

Versus

M/s Chuni Lal Jagdish Kumar & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Anil Chawla, Advocate
for the petitioner.

Shri Anandeshwar Gautam, Advocate
for respondent No.1.

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The petitioner, who has been summoned, in a complain filed by the complainant under Section 138 of the Negotiable Instruments Act being one of the partner of M/s Sakti Matha Cashew Company, has filed this petition for quashing of the complaint No. 144/04 dated 20.3.2004 and summoning order dated 25.3.2004.

After arguing the case for some time, counsel for the petitioner confines his prayer to the extent that the personal appearance of the petitioner be exempted before the trial Court and further prays that he be permitted to withdraw this petition with a liberty to establish the fact before the trial Court, in his defence, that he is not a partner of the said firm.

In view of the above, this petition is dismissed as withdrawn with the aforesaid liberty.

However, in case, the petitioner file an application for personal exemption before the trial Court, the same shall be considered and decided by the trial Court, keeping in view the fact that he is a resident of Kerala, and in view of the law laid down by the Supreme Court in **M/s Bhaskar Industries Ltd.** Vs. **M/s Bhiwani Denim & Apparels Ltd.,** 2001 (4) RCR (Criminal) 137.

January 30, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**